

CGB-CC-0083
DIOCESE OF LINCOLN
CHANCERY
P.O. Box 80528
LINCOLN, NEBRASKA 68501-0528
402-488-0921 FAX 402-488-3569

Received & Inspected

JAN 19 2012

(copy)

FCC Mail Room

January 17, 2012

Case Identifier: CGB-GC-0083

Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-B431
445 12th Street, SW
Washington, DC 20554

Dear Federal Communications Commission,

I have received notification that the closed captioning exemption received in September 2006 for "The Catholic Mass" of the Diocese of Lincoln. I wish to file a petition requesting an exemption from closed captioning for the "The Catholic Mass" under the category of being "economically burdensome." I seek this exemption for this one program, "The Catholic Mass." It is a 30 minute program that airs every Sunday of the year. The "Catholic Mass" is the video programming provider. The only video programming distributor is KLKN-TV Channel 8-ABC, Lincoln, Nebraska.

Enclosed is a profit and loss accounting for "The Catholic Mass" from July 2006 – June 2011. A five year accounting has been given to provide perspective. Our average annual expenses during the past five fiscal years are \$41,233. Our income is gained completely through donations. Local parishes, altar societies, and Knights of Columbus councils have been solicited for donations. Some of these groups give on a regular basis. Occasionally, we will also receive one-time gifts from individual patrons. Some funding is available through the Catholic Communications Collection, which remains in the Diocese for local communications projects. "The Catholic Mass" receives 50% of the revenue from that collection. Any additional expenses are paid for by the Diocese of Lincoln under the title, "Catholic Bishop of Lincoln." Again, we have only one 30 minute program per week, and we send the program to only one distributor. It is for these reasons that we deem the mandate to provide closed captioning to be economically burdensome.

I have obtained information about the costs of Closed Captioning for "The Catholic Mass." We are a 30 minute segment, and the costs vary from \$65 to \$225. I have spoken to Dynamic Captioning from Grand Rapids, Michigan. We did not work out a definitive price, but they were interested in assisting us. KLKN-TV Channel 8-ABC, Lincoln, Nebraska, our distributor, said that we could use Caption Solutions L.L.C., from Lawrence, Kansas. This would cost us \$65 per week. The annual cost would be approximately \$3380. We would also have to purchase some new hardware for the studio at the cost of \$6700 (See enclosed email from KLKN).

DIocese of LINCOLN

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On Friday, December 9, 2011, I asked Randy Moody, General Manager of KLKN-TV, our video programming distributor for assistance, and he said that KLKN-TV would not be able to provide assistance. As previously mentioned, he suggested a closed captioning service for us to use.

I have not directly sought the sponsorship of additional revenue for closed captioning. The Diocese of Lincoln is a small, rural diocese with limited revenue. We have just over 95,252 Catholics, covering 23,844 square miles. The aforementioned organizations that support us have limited budgets, and I don't know if they would be able to increase their donations.

I would like to mention a few additional factors for consideration in granting this exemption. "The Catholic Mass" is principally for the homebound. A Catholic has the moral obligation to attend Mass, but those who are homebound are not able to fulfill that obligation. The goal of "The Catholic Mass" is to provide some connection to the Mass for those who are homebound. The reason for our program is to assist those who have this kind of disability, namely, the homebound.

Our program begins with a description on the screen of the following: the particular feast that is being celebrated, the date, the celebrant's name and title, cantor, organist, acolyte and reader. The titles, chapters and verses for all of the Scripture readings at the Mass are provided on the screen for the duration of each reading. "The Catholic Mass" contains a sizeable amount of time where no audible words are spoken. This includes the private prayers of the priest, the distribution of communion, and the purification (washing) of the sacred vessels (chalice and ciborium). Instrumental music is often played during these times in the Mass. The durations of these quiet moments, where there would be nothing to caption, varies from broadcast to broadcast, depending upon the editing.

"The Catholic Mass" is a taping of a priest celebrating a Mass. Without getting deeply into Catholic theology, I point out that every Mass is essentially the same thing. We believe that it is a re-presentation of God's saving work. I mention this because the only truly subjective part of the Mass is the homily, where the priest preaches. On average, the homily comprises only 2-5 minutes of our broadcast. Also, unique hymns are selected at the beginning and the end of the broadcast—another subjective component. There are proper prayers for each particular Mass, and the priest is duty-bound to follow them in the Roman Missal, which is the standard book used for Mass throughout the entire world. All of these prayers could be read in a Roman Missal as the Mass is being watched on television.

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I am the producer, director, and editor of "The Catholic Mass." We have volunteers who assist as celebrants, cantors, organists, readers, acolytes, choirs, and camera operators. However, we desire to keep the costs down so that we are still able to assist the homebound through the production of these Masses.

Sincerely,



Fr. Nicholas Kipper
Director, "The Catholic Mass"
Diocese of Lincoln, Nebraska

Enclosures

AFFADAVIT

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State of Nebraska

County of Lancaster

Personally came and appeared before me, the undersigned Notary, the within named
Father Nicholas Kipper, who is a resident of Lancaster County,
State of Nebraska, and makes this his statement and General Affidavit upon oath and affirmation of belief
and personal knowledge that the following matters, facts, and things set forth in this petition are true and
correct to the best of his knowledge:

Dated this the 17 day of January, 2012

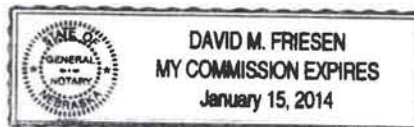
L. Nicholas A. Kipper

Signature of the Affiant

SWORN to subscribed before me, this 17 day of January, 2012

David M. Friesen

NOTARY PUBLIC



Catholic Bishop of Lincoln--TV Mass
Profit & Loss
July 2006 through June 2011

Received & Inspected

JAN 19 2012

	Jul 06 - Jun 07	Jul 07 - Jun 08	Jul 08 - Jun 09	Jul 09 - Jun 10	Jul 10 - Jun 11	TOTAL
Ordinary Income/Expense						
Income						
Contributed support						
TV Mass	19,729.98	20,589.89	16,651.94	13,420.16	18,552.94	88,944.91
Total Contributed support	19,729.98	20,589.89	16,651.94	13,420.16	18,552.94	88,944.91
Total Income	19,729.98	20,589.89	16,651.94	13,420.16	18,552.94	88,944.91
Expense						
Apostolates and programs						
Mass on television	47,178.43	38,733.18	38,353.12	40,448.07	41,452.20	206,165.00
Total Apostolates and programs	47,178.43	38,733.18	38,353.12	40,448.07	41,452.20	206,165.00
Equipment purchases						
General equipment	13,352.20	0.00	594.00	0.00	0.00	13,946.20
Total Equipment purchases	13,352.20	0.00	594.00	0.00	0.00	13,946.20
Total Expense	60,530.63	38,733.18	38,947.12	40,448.07	41,452.20	220,111.20
Net Ordinary Income	-40,800.65	-18,143.29	-22,295.18	-27,027.91	-22,899.26	-131,166.29
Net Income	-40,800.65	-18,143.29	-22,295.18	-27,027.91	-22,899.26	-131,166.29

Date: Thu, 12 Jan 2012 10:57:36 -0600 [01/12/2012 10:57:36 AM CST]

From: Jeff Swanson <jswanson@klkntv.com>

To: frkipper@inebraska.com

Cc: Roger Moody <rmoody@klkntv.com>

Subject: Closed captioning of Sunday Mass on KLKN-TV

Father,

Roger is out of town and asked me to get back to you. I apologize for the delay. I was waiting to get a quote for the equipment. The weekly half hour cost is \$65. Caption Solutions L.L.C., Lawrence, KS would be able to provide the service. As we discussed, Channel 8 KLKN-TV does not have the hardware needed to caption. The cost of that equipment is approximately \$6700. I hope this helps.

Regards,

Jeff

Jeffrey R. Swanson

Director of Broadcast Operations

Channel 8 KLKN-TV 8.1 and RTV8

3240 South Tenth Street

Lincoln, NE 68502

402-436-2238
